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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,928	03/13/2001	Justin Charles Moodie	11266/102	9072

7590                    03/19/2003

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LEROUX, ETIENNE PIERRE

ART UNIT	PAPER NUMBER
2171	5

DATE MAILED: 03/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. <b>09/803,928</b>	Applicant(s) <b>Moodie et al</b>
	Examiner <b>Etienne P LeRoux</b>	Art Unit <b>2171</b>
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --		
<b>Period for Reply</b> A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.		
- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).		
<b>Status</b>		
1) <input type="checkbox"/> Responsive to communication(s) filed on _____.		
2a) <input type="checkbox"/> This action is FINAL.      2b) <input checked="" type="checkbox"/> This action is non-final.		
3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11; 453 O.G. 213.		
<b>Disposition of Claims</b>		
4) <input checked="" type="checkbox"/> Claim(s) <u>1-26</u> is/are pending in the application.		
4a) Of the above, claim(s) _____ is/are withdrawn from consideration.		
5) <input type="checkbox"/> Claim(s) _____ is/are allowed.		
6) <input checked="" type="checkbox"/> Claim(s) <u>1-26</u> is/are rejected.		
7) <input type="checkbox"/> Claim(s) _____ is/are objected to.		
8) <input type="checkbox"/> Claims _____ are subject to restriction and/or election requirement.		
<b>Application Papers</b>		
9) <input type="checkbox"/> The specification is objected to by the Examiner.		
10) <input checked="" type="checkbox"/> The drawing(s) filed on <u>Mar 13, 2001</u> is/are a) <input checked="" type="checkbox"/> accepted or b) <input type="checkbox"/> objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).		
11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.		
12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.		
<b>Priority under 35 U.S.C. §§ 119 and 120</b>		
13) <input type="checkbox"/> Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) <input type="checkbox"/> All b) <input type="checkbox"/> Some* c) <input type="checkbox"/> None of: 1. <input type="checkbox"/> Certified copies of the priority documents have been received. 2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____. 3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received.		
14) <input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e). a) <input type="checkbox"/> The translation of the foreign language provisional application has been received.		
15) <input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.		
<b>Attachment(s)</b>		
1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)		
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)		
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____		
4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____		
5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)		
6) <input type="checkbox"/> Other: _____		

Art Unit: 2171

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, recites “transmitting a retrieval request, together with a second user identity code, from a second, wireless communications terminal.” The first wireless communications terminal is not ascertainable. For purposes of this first Office Action, examiner assumes the following limitation, “transmitting a retrieval request, together with a second user identity code, from a second communications terminal, wherein the second communications terminal is wireless.”

Claim 2 is rejected as being dependent from a rejected base claim.

Art Unit: 2171

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 5-13 are rejected under 35 U.S.C. 102(b) as being anticipated by USPAT 5,742,905 issued to Pepe et al (hereafter Pat '905), as best examiner is able to ascertain.

Regarding claims 1, 2, 5-9, 11, 14, 16, 19 and 20, Pat '905 discloses:

entering at a first communications terminal one or more data items [Fig 1, 22] transmitting said data items together with a first user identity code [col 6, lines 34-42] to a database server [Fig 2, 44 and col 6, lines 23-27] over a first communications network [Fig 1, 29] transmitting a retrieval request [col 7, lines 49-59] together with a second user identity code [col 6, lines 34-42] from a second wireless communications terminal [Fig 1, 30] to said database server over a second wireless communications network [Fig 1, 39] if said first user identity code [col 6, lines 34-42] matches said second user identity code, receiving at least some of said one or more data items [col 17, lines 4-12].

Regarding claim 10, Pat '905 discloses:

storing a plurality of sets of data and corresponding set identity codes [col 7, lines 3-15]

Art Unit: 2171

receiving a set identity code over a wireless communications network from a first wireless communications terminal [Fig 1, 30]

retrieving one of said set of data from the database corresponding to said identity code [col 17, lines 4-12]

transmitting said set of data to said first communications terminal [Fig 1, 30] or to a second communications terminal

Regarding claim 11, Pat '905 discloses transmitting the data to a second communications tegmina [Fig 1, 22].

Regarding claim 12, Pat '905 discloses the second communications terminal is a fixed terminal [Fig 1, 22].

Regarding claim 13, Pat '905 discloses the second communications terminal [Fig 1, 22] transmits data to a first wireless terminal [Fig 1, 30]

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made

Art Unit: 2171

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPAT 5,742,905 issued to Pepe et al (hereafter Pat '905)

Regarding claim 17, Pat '905 discloses the essential elements of the claimed invention except for a list of alphanumeric items. Official Notice is taken that alphanumeric items are well-known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include alphanumeric items for the purpose of providing instructions which are understandable by a computer. *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970).

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPAT 5,742,905 issued to Pepe et al (hereafter Pat '905) and further in view of USPAT 6,295,530 issued to Ritchie et al (hereafter Pat '530).

Regarding claims 3 and 4, Pat '905 discloses the essential elements of the claimed invention except for indexing said data items on said database according to said first user identity. Pat '530 discloses indexing said data items on said database according to said first user identity [col 15, line 65 through col 16, line 5]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '905 to include indexing said data items on said database according to said first user identity as taught by Pat '530 for the purpose of making it possible for the processor to respond to a URL in different ways [col 16, line 5].

Art Unit: 2171

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of USPAT 5,742,905 issued to Pepe et al (hereafter Pat '905) and USPAT 6,519,144 issued to Henrie et al (hereafter Pat '144) and further in view of USPAT 6,295,530 issued to Ritchie et al (hereafter Pat '530).

Regarding claim 8, Pat '905 discloses storing data records each including a data code [col 6, lines 34-42].

Regarding claims 8 and 9, Pat '905 discloses the essential elements of the claimed invention except for storing data set records and a set of data items. Pat '144 discloses storing data set records and a set of data items [col 8, lines 35-42]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '905 to include storing data set records and a set of data items as taught by Pat '144 for the purpose of updating information, files, schedules [col 8, line 40].

Regarding claim 8, Pat '905 discloses receiving a data code and a user identity code from a wireless communications terminal over a wireless communications network [Fig 1, 30] retrieving one of said data set records corresponding to said received data code [col 17, lines 4-12].

Regarding claim 8, the combination of Pat '905 and Pat '144 discloses the essential elements of the claimed invention except for adding the set of data items from said retrieved data set record to a user data record indexed according to said received identity code. Pat '530 discloses adding the set of data items from said retrieved data set record to a user data record

Art Unit: 2171

indexed according to said received identity code [col 15, line 65 through col 16, line 5]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Pat '905 and Pat '144 to include adding the set of data items from said retrieved data set record to a user data record indexed according to said received identity code as taught by Pat '530 for the purpose of making it possible for the processor to respond to a URL in different ways [col 16, line 5].

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPAT 5,742,905 issued to Pepe et al (hereafter Pat '905) and further in view of USPAT 5,485,519 issued to Weiss (hereafter Pat '519).

Regarding claim 15, Pat '905 discloses the essential elements of the claimed invention except for a portable token. Pat '519 discloses a portable token [abstract]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '905 to include a portable token as taught by Pat '519 for the purpose of providing a secure code for an authorized user [abstract].

Art Unit: 2171

Claims 18, 21, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPAT 5,742,905 issued to Pepe et al (hereafter Pat '905) as applied to claim 6, and further in view of USPAT 6,496,692 issued to Shanahan (hereafter Pat '692).

Regarding claims 18, 21, 24 and 25, Pat '905 discloses the essential elements of the claimed invention except for a video clip. Pat '692 discloses a video clip [col 3, line 32]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '905 to include a video clip as taught by Pat '692 for the purpose of providing a video display [col 1, line 17].

Regarding claim 22, Pat '905 discloses selecting said data receiver from a plurality of data receivers according to said variable code [Fig 1, 30]

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of USPAT 5,742,905 issued to Pepe et al (hereafter Pat '905) and USPAT 6,496,692 issued to Shanahan (hereafter Pat '692) as applied to claim 21, and further in view of USPAT 5,933,816 issued to Zeah et al (hereafter Par '816).

Regarding claim 23, the combination of Pat '905 and Pat '692 discloses the essential elements of the claimed invention except for a transaction between the user of the wireless communication terminal and the selected data receiver. Pat '816 discloses a transaction between the user of the wireless communication terminal and the selected data receiver [abstract]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify

Art Unit: 2171

the combination of Pat '905 and Pat '692 to include a transaction between the user of the wireless communication terminal and the selected data receiver as taught by Pat '816 for the purpose of allowing a financial institution to provide financial services to a plurality of remote devices [abstract].

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of USPAT 5,742,905 issued to Pepe et al (hereafter Pat '905) and USPAT 6,496,692 issued to Shanahan (hereafter Pat '692) as applied to claim 25, and further in view of USPAT 6,424,749 issued to Zhu et al (hereafter Pat '749).

Regarding claim 26, the combination of Pat '905 and Pat '692 discloses the essential elements of the claimed invention except for a carrier bearing a computer program. Pat '749 discloses a carrier bearing a computer program [claim 12]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Pat '905 and Pat '692 as taught by Pat '749 for the purpose of format conversion for use with images containing mixed video and computer generated imagery [abstract] .

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne (Steve) LeRoux whose telephone number is (703) 305-0620.

Art Unit: 2171

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached at (703) 308-1436.

Any inquiry of a general nature relating to the status of this application or processing procedure should be directed to the receptionist whose telephone number is (703) 305-3900.

Etienne LeRoux



March 14, 2003



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